NO. 45508-1

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

ARTHUR WEST,

Appellant,

v.

ESSB 5034 WORK GROUP, JOHN LANE, KELLY COOPER, KRISTY WEEKS, RICK GARZA, INGRID MUNGIA, DREW SHIRK, KATHY RYAN, WASHINGTON STATE LIQUOR CONTROL BOARD, WASHINGTON STATE,

Respondents.

RESPONDENTS' BRIEF

ROBERT W. FERGUSON
Attorney General

ELIZABETH LAGERBERG, WSBA 25159
Assistant Attorney General

Office ID 91029
1125 Washington Street SE
Olympia, WA 98504-0110
(360) 753-6200

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTES

OTHER AUTHORITIES

RULES

I. INTRODUCTION

Arthur West appeals the decision on summary judgment of the Thurston County Superior Court, which properly held that a "work group" comprised of staff from the Liquor Control Board (Board), Department of Revenue (DOR), and Department of Health (DOH) was not subject to the Open Public Meetings Act (OPMA), chapter 42.30 RCW, because it was not a "governing body of a public agency." RCW 42.30.030. The work group came together to gather information and draft preliminary recommendations regarding the impact of recreational marijuana legislation on existing medical marijuana laws. The superior court properly held in the alternative that even had there been some violation of the OPMA, the Board's subsequent open public meetings on the recommendations—which Board meetings included taking of testimony, deliberation, and approval of recommendations—cured any potential violation with respect to the work group's activity. This Court should affirm.

II. COUNTERSTATEMENT OF THE ISSUES

1. The Open Public Meetings Act applies to governing bodies of public agencies, or to committees acting on behalf of the governing body. Is a workgroup composed of staff from several agencies subject to the OPMA where the workgroup was not delegated policy or rule-making

authority, did not act on behalf of any of the agencies who were members of the workgroup, and did not otherwise take actions of a "governing body"?

2. Alternatively, even had there been some violation of the OPMA with respect to the work group's activities, did the Board's subsequent open public meetings on the work group's recommendations—which included taking of testimony, deliberation, and approval—cure any potential violation?

III. STATEMENT OF THE CASE

A. Factual Background

In 2013, the Legislature was examining the effect of the recently passed recreational marijuana initiative, I-502, on the existing medical marijuana laws. CP at 26. It turned to state agencies for advice on various issues. CP at 26. A proviso in the state operating budget, Third Engrossed Substitute Senate Bill (ESSB) 5034, directed the Board to work in consultation with DOH and DOR to develop recommendations for the Legislature regarding the interaction of the existing medical marijuana regulations and the Board's proposed regulations arising from I-502. Laws of Washington, ch. 4, § 141(2)(a) (ESSB 5034).[1] CP at 26.

[1] Section 141(2) of the budget bill, ESSB 5034, states:

The Legislature provided a list of issues that the Board was required to address in its recommendations, including, for example, the taxation of medical marijuana in relation to recreational marijuana, and which state agency should be the regulatory body for medical marijuana. ESSB 5034, § 141(2)(a)(viii), (ix). The Legislature required the Board to present its recommendations to committees of the Legislature by January 1, 2014. ESSB 5034, § 141(2)(b).

The legislation did not require any specific process for the Board to accomplish this task. CP at 22. In his brief, West asserts that ESSB

---

(2)(a) The liquor control board must work with the department of health and the department of revenue to develop recommendations for the legislature regarding the interaction of medical marijuana regulations and the provisions of Initiative Measure No. 502. At a minimum, the recommendations must include provisions addressing the following:

(i) Age limits;

(ii) Authorizing requirements for medical marijuana;

(iii) Regulations regarding health care professionals;

(iv) Collective gardens;

(v) Possession amounts;

(vi) Location requirements;

(vii) Requirements for medical marijuana producing, processing, and retail licensing;

(viii) Taxation of medical marijuana in relation to recreational marijuana; and

(ix) The state agency that should be the regulatory body for medical cannabis.

(b) The board must submit its recommendations to the appropriate committees of the legislature by January 1, 2014.

5034 required the Board to create the "work group." Br. Appellant at 5. However, there is no language in ESSB 5034 to support this assertion. West has not presented any facts to support his assertion that the "work group" was created by the Legislature or Board or other facts that contradict the description of the formation of the work group as has been described in the Declaration of Ingrid Mungia. Br. Appellant at 5, 6; CP at 22. Board staff took the lead on discussions to develop these recommendations. Rick Garza, the Executive Director of the Board, asked Ingrid Mungia, Staff Attorney for the Board, to work with the other agencies to find staff with the necessary expertise to participate in the process. CP at 22. Mungia contacted staff from DOR and DOH and asked them to send the appropriate staff to a meeting on July 15, 2013. CP at 22. Attending that meeting were Garza; Mungia; Kathy Ryan, Tax Policy Specialist from DOR; Kristi Weeks, Legal Services Office of DOH; Kelly Cooper, Policy and Legislative Manager at DOH; Drew Shirk, Assistant Director of Legislation and Policy at DOR; and John Lane, a staff representative from the Governor's Office. CP at 23, 27. These are the members of the "work group" and the defendants in this case.

At that first meeting, the group agreed on a timeline and scope of work. CP at 22. The term "work group" was used loosely to describe the

gathering and no person was designated as the chair or given any authority to require any person to attend or to perform any task. CP at 22. No Board members were involved in the creation or participation of the work group. CP at 22.

At the second meeting, the work group divided the issues listed in ESSB 5034, § 141(2)(b) among the agency staff members according to which agency had the most expertise in that area. CP at 23, 28, 30. The staff members were to prepare presentations on their assigned issues to give to the entire work group. CP at 23, 28. The meeting was not attended by any Board members, legislators, or the Governor. CP at 23.

At the next several work group meetings, the staff members presented options to each other and discussed the draft recommendations. CP at 29, 31. In an open public meeting of the House Government Accountability and Oversight Committee of the Legislature, held on September 10, 2013, the work group presented a status report on the project. CP at 24, 32. The work group did not present any recommendations at the legislative committee meeting.

The work group's initial draft recommendations were provided to the Board. CP at 132. The Board, DOR, and DOH issued a joint press release on September 30, 2013, which announced a process for the public to provide written comment concerning recommendations to the

Legislature on medical marijuana issues, providing an email address for submission of comments. CP at 100. The press release stated that draft recommendations would be distributed to stakeholders on October 21, 2013, for comment. CP at 100. On October 21, 2013, in a separate press release, the Board, DOR, and DOH presented a draft of the work group's recommendations to stakeholders and solicited public comment. CP at 132. The public comment period for the recommendations ran from October 21 to November 8, 2013. CP at 132.

On November 13, 2013, at an open public meeting, the Board and representatives from DOR and DOH heard the testimony of 129 constituents. CP at 132. After that meeting, the Board members and agency representatives also considered 1,449 public comments submitted during October and November 2013. CP at 132. In another open public meeting, on December 11, 2013, the Board openly deliberated the public input and provided directions to the work group on revisions to the draft recommendations. CP at 132. On December 18, 2013, at the third open public meeting on the subject, the Board brought forward and approved the final version of the recommendations for presentation to the 2014 Legislature. CP at 132. The Board sent the recommendations to the Legislature on December 31, 2013. CP at 132.

B. Procedural Background

On September 13, 2013, West filed a complaint against the Board and staff members from the Board, DOR, DOH, and the Governor's Office who participated in the work group, alleging the work group's conduct violated the OPMA. CP at 3. Two weeks later, West filed a motion to compel compliance with the OPMA against the defendants. CP at 15. The superior court denied the motion to compel, concluding that the staff members as a "work group" were not a "governing body" of a public agency under RCW 42.30.030. CP at 44. West's subsequent motion to vacate the order on motion to compel was denied. CP at 46, 73.

West then filed a motion for summary judgment. The Board responded and at oral argument made a cross-motion for summary judgment and to dismiss. CP at 75, 119. The superior court denied West's motion, granted the defendants' motion, and dismissed West's complaint, concluding that the work group did not act on behalf of the Board and did not otherwise satisfy the OPMA definition of "governing body," and alternatively that any alleged OPMA violations were cured by the Board's subsequent open public meetings regarding the recommendations. CP at 146-54, 155-56, 161-63. This appeal followed.

IV. STANDARD OF REVIEW

This Court reviews an appeal from summary judgment de novo. *Herron v. Tribune Publ'g Co.,* 108 Wn.2d 162, 169, 736 P.2d 249 (1987). Summary judgment is appropriate only if the record shows "that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." CR 56(c). All facts and reasonable inferences are construed in the light most favorable to the nonmoving party. *Shoulberq v. Public Utility Dist. No. 1 of Jefferson Cnty.*, 169 Wn. App. 173, 177, 280 P.3d 491 (2012). West has not raised any issue of material fact that substantially differs from those presented by the Board. The sole question before this Court is the application of law to the facts in this matter.

V. ARGUMENT

The OPMA's open meeting requirement does not apply to the activities of the work group. The evidence presented in this case shows that the work group was not a "governing body" of a public agency. The Board, not the work group, is the "official policy or rule-making body." RCW 42.30.020(2). Nor did the work group "act on behalf of" the Board (i.e., the "governing body") by exercising actual or de facto decision making authority: the Board, not the work group, was required by ESSB 5034 to develop and submit the recommendations to the Legislature, and

did so. Finally, the work group did not "conduct[] hearings, or take[] testimony or public comment". RCW 42.30.020(2). The Board held three hearings, took testimony from 129 constituents, and considered 1,449 public comments prior to submitting the final recommendations to the Legislature. The work group's tasks of putting together information and options and making revisions to the recommendations, based on the feedback of the Board and other concerned agencies, were roles of assistance and support. Under the relevant statutes and case law, this does not transform the work group into a governing body.

But even if the Court were to find that the work group's activities violated the OPMA, this would not invalidate the Board's recommendations to the Legislature, which were made in compliance with the OPMA following open public meetings where the Board conducted hearings, and took testimony and public comment. This Court should affirm the trial court.

A. The OPMA Did Not Apply to the Work Group Because It Was Not a Governing Body of a Public Agency

The OPMA's public meeting requirement applies only to "governing bodies" of "public agencies." RCW 42.30.030; *Eugster v. City of Spokane*, 118 Wn. App. 383, 423, 76 P.3d 741 (2003); *Clark v. City of Lakewood*, 259 F.3d 996, 1013 (9th Cir. 2001).

The OPMA's open meeting requirement states:

> All meetings of the *governing body* of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the *governing body* of a public agency, except as otherwise provided in this chapter.

RCW 42.30.030 (emphasis added). Accordingly, meetings of staff members of public agencies or sub agencies are not subject to the open meeting requirement, unless the group comprises a *governing body* of a public agency.

The first of West's assignments of error inappositely asserts that the work group was a "public agency" or "subagency" of a public agency created by statute. Br. Appellant at 14 [citing RCW 42.30.020(1)(c)]. Even if all public agencies were subject to the OPMA, rather than just "governing bodies," West's argument that the work group is an agency created pursuant to statute is incorrect. A "public agency" includes "[a]ny subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies"). The court of appeals has found a "public agency" exists when a group is created by or pursuant to statute and serves a statewide public function. *West v. Wash. Assoc. of Cnty. Officials*, 162 Wn. App. 120, 132-33, 252 P.3d 406 (2011) (association of county officials' own action caused it to

be created pursuant to statute, as it "pursued legislative authorization to receive public funds from counties and established itself as a statewide 'coordinating agency' of county officials performing their public duties"). Here, nothing in ESSB 5034 creates or mentions a work group, nor suggests or requires the Board to delegate its authority to a new "public agency" or "subagency" of a public agency. The work group did not seek or require legislative authority for its creation. The work group was not a "public agency" or "subagency" because it was not created by or pursuant to statute, ordinance, or other legislative act. RCW 42.30.020(1)(c). In any event, the OPMA applies only to meetings of the "governing body of a public agency," not to all meetings of public agencies or subagencies. RCW 42.30.030.

The OPMA did not apply to the work group because it was not a "governing body" of a public agency. The OPMA defines a "governing body" as:

> . . . the multimember board, commission, committee, council, or other *policy or rule-making body* of a public agency, or any committee thereof when the committee *acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.*

RCW 42.30.020(2) (emphasis added). Because the work group was not itself (1) *a policy or rule-making body;* nor was it a committee thereof[2] that (2) *acted on behalf of* a governing body (i.e., the Board), or (3) *conducted hearings or took testimony or public comments*, the work group did not meet the definition of a governing body subject to the OPMA.

While West argues that the overall purposes and liberal construction of the OPMA support him in this case, he is incorrect. Br. Appellant at 15-19. West does not identify any particular language of the OPMA that when liberally construed aids him. It is well-settled that a court cannot use the liberal construction doctrine to avoid plain language of a statute. *Bird-Johnson v. Dana Corp.*, 119 Wn.2d 423, 427, 833 P.2d 375 (1992); *Senate Republican Comm. v. Pub. Disclosure Comm'n*, 133 Wn.2d 229, 243, 943 P.2d 1358 (1997). Hence, the Court cannot ignore the statutory requirement that a group must be a "governing body" in order to be subject to the OPMA's open meeting requirement. To subject the work group to the OPMA based on the broad language of RCW 42.30.010 would be to render the language in RCW 42.30.030 meaningless. *Kilian*

[2] No court has directly addressed the term "a committee thereof" to determine whether "thereof" means the committee must consist solely of members of the "multimember board, commission, committee, council, or other policy or rule-making body of a public agency" or whether "a committee thereof" can also be comprised of other outside persons. This Court need not decide the issue because the work group did not act on behalf of the Board, nor conduct hearings or take testimony or public comment.

v. Atkinson, 147 Wn.2d 16, 21, 50 P.3d 638 (2002) ("Statutes must be construed so that all the language is given effect and no portion is rendered meaningless or superfluous.")"

1. The work group did not have the authority to make policy or conduct rulemaking.

The work group did not fit within the first category of governing bodies: a policy or rule-making body of a public agency. Only the Board has the authority under statute to make policy or rules regarding the distribution and sales of alcohol and medical and recreational marijuana. *See generally* Ch.66.08 RCW and RCW 66.08.0501.

By contrast, the employees of the work group did not have authority to make governmental policy or rules. CP at 23. Accordingly, the work group did not constitute a "governing body" as a "policy or rule making body" of a public agency pursuant to RCW 42.30.020(2).

2. The work group did not act on behalf of a governing body.

The work group did not fit within the second category of the governing body definition: it did not *act on behalf of* a governing body, which in this case would be the Board. *See* RCW 42.30.030(2). Until recently, there was no Washington case law directly addressing when a committee "acts on behalf of a governing body." In the recent case *Citizens Alliance for Property Rights Legal Fund v. San Juan Cy.*,

Division I of this Court directly addressed the term "acts on behalf of." *Citizens Alliance for Property Rights Legal Fund v. San Juan Cy.*,__ Wn. App. __, 326 P.3d 730, 734 (April 28, 2014). The court held a committee that provides advice or information to the governing body but does not exercise actual or de facto decision making authority does not "act on behalf of" a governing body and is hence not subject to the OPMA requirements. *Id.* at 735-37.

In making its decision, the court in *Citizens Alliance* relied on and adopted the reasoning of Opinion of Attorney General No. 16 (1986). The Opinion of Attorney General No. 16 (1986) had set forth two potential interpretations of the phrase "acts on behalf of":

> First, a committee might act on behalf of the governing body whenever it performs a specified function in the interest of the governing body. Under this broad definition, a committee would be subject to the OPMA whenever it meets and takes "action," just as governing bodies do.
>
> Second, a committee might act on behalf of the governing body only when it exerts power or influence or produces an effect as the representative of the governing body. Under this narrower definition, *a committee acts on behalf of the governing body only when it exercises actual or de facto decision making authority for the governing body.*

Id. at 735 (emphasis added) (internal citations omitted).

The court ultimately held that the second, narrower definition applied for several reasons. First, the broader definition would render the

phrase "when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment" superfluous. *Id.* Second, the legislative history of the 1983 amendment to the definition of "governing body" "suggest[ed] that the Legislature did not intend OPMA to apply to committees that 'do nothing more than deliberate the making of policy or rules.'" *Id.* at 736 (internal citations omitted).

The court in *Citizens Alliance* looked specifically at whether the committee in that case was created by the governing body and then whether the governing body "delegated its decision making authority to the committee." *Id.* at 737. The court held that because no evidence was presented that the governing body delegated or even had authority to delegate its decision making authority, or that the committee exercised any decision making authority, the committee meetings were not subject to the OPMA. *Id.*

Applying the reasoning in *Citizens Alliance* to this matter, the work group did not "act on behalf of" the Board. There is no evidence that the Board made any delegation of authority to the work group. There is no evidence that the group exercised actual or de facto decision making authority on behalf of the Board. The evidence in the record shows that the group was made up of employees of the Board and two other agencies, and that the employees' roles were to provide information in the areas of

their expertise. The initial draft recommendations were presented to the Board as a result of information gathered and collated by the work group. It was the Board's role, as required in ESSB 5034, to consider the information presented together with public testimony and comments and to make the ultimate decision about the form and content of the recommendations that would go to the Legislature. As further indication that it was the Board who was making the policy decisions regarding its recommendations, the Board did not simply adopt the initial recommendations provided to the Board by the work group, but the Board made significant changes based upon the Board's own deliberations and the public input. CP 132. In short, the Board did not simply accept and rubber stamp the initial recommendations provided by the work group. CP at 132.

West cites to *Cf. Town of Palm Beach v. Gradison*, 296 So.2d 473, 474-75 (Fla. 1974), as an example of a committee being subject to the Florida open public meeting requirement. In that case, a committee comprised of citizens who were not employed by town made "tentative decisions" for town council on zoning matters and functioned as council members' "alter ego". *Id.* That case is distinguishable from this one in that the work group members did not make decisions for the Board, and the Board did not delegate to non-employees its responsibilities, but rather

the Board looked to its employees for assistance in its performance of duties. *Citizens Alliance* permits this. *Citizens* , 326 P.3d at 735-37.

The work group consisted of employees hired by the Board, DOR, and DOH to do a broad range of work. None of the staff were hired, chosen, or nominated by the Board specifically to carry out the tasks of the work group or to "act on behalf" of the Board with respect to the Board's responsibilities under ESSB 5034. Thus, the work group did not act on behalf of the Board for purposes of the OPMA.

3. The work group did not act as a "governing body" by conducting hearings or taking testimony or public comment.

The work group did not satisfy the third category of "governing body": it did not conduct hearings, nor take testimony or public comment. *See* RCW 42.30.030(2). In *Clark*, the court held a task force was a governing body when it "was created as a committee of the Planning Advisory Board (a 'governing body') and it took testimony and public comment, conducted hearings and acted on behalf of the Board and the City Council (both public agencies)."[3] Clark, 259 F.3d at 1013. *Clark* is distinguishable because the work group did none of these activities.

[3] Also, in *Clark*, three members of the Planning Advisory Board (i.e., the governing body) participated as members of the task force. *Clark*, 259 F.3d at 1001. Here, in contrast, no Board members were members of the work group.

Pointing to two press releases that sought public input on the recommendations, West argues that the work group conducted hearings or took testimony or public comment. Br. Appellant at 22-23. West is mistaken. The press releases are those of the Board, DOR, and DOH. CP at 100. The work group did not issue press releases, nor conduct hearings, nor take testimony or public comment. The September 30, 2013, press release states:

> The three state agencies responsible for drafting recommendations to the Legislature on medical marijuana today published their timeline and announced a process for the public to provide written comment. The public may provide written comment at medicalmarijuana@liq.wa.gov.

CP at 100. The press release also includes a timeline stating that the draft recommendations will go to stakeholders for comment on October 21, 2013. There are three contact names available, one from each agency. CP at 100. This press release does not support or suggest that the work group itself is taking testimony or public comment or holding hearings.

The October 21, 2013, press release was also issued by the same three agencies, not the work group. CP at 90. It similarly states that the three agencies are drafting proposed recommendations for the Board to consider sending to the Legislature. The press release contains a link to the draft recommendations and provides an opportunity for the public to comment. CP at 90. There is nothing in the press release that supports

Mr. West's claim that the work group was to be taking public comment. CP at 90. The 1,449 written comments were gathered and provided to the Board for consideration. CP at 132. The Board, not the work group, took public comment following the press releases.

The Board also held an open public meeting on November 13, 2013, to take testimony regarding the recommendations. CP at 132. The Board held two additional open public meetings, one on December 11, 2013, to deliberate the recommendations to be made to the Legislature, and another on December 18, 2013 to approve the final recommendations to the Legislature. CP at 132. Again, the evidence shows that the Board, not the work group, acted as the governing body in this case by taking testimony, considering public comment, and holding hearings to discuss, deliberate, and approve the recommendations.

Because the open meetings requirement under RCW 42.30.030 applies only to meetings of the governing body of a public agency, and the work group did not satisfy any provision of the definition of "governing body" under RCW 42.30.020(2), the superior court correctly dismissed West's complaint.

B. Even if the Work Group was a "Governing Body" of a Public Agency, the Board's Subsequent Open Meetings Validate the Final Recommendations Approved by the Board

The superior court alternatively ruled that even were there an earlier violation of the OPMA by the work group, the later open public meetings held by the Board would have cured such a procedural defect. CP 153. As a general rule, actions taken by a governing body in violation of the OPMA are null and void; however, where a subsequent action or final action is taken in an open public meeting the later action is valid. *See generally Eugster v. City of Spokane*, 118 Wn. App. 383, 423, 76 P.3d 741 (2003); *Clark*, 259 F.3d at 1014-15.

Courts have applied this OPMA validation analysis on a number of occasions. For example, in *Org. to Preserve Agric. Lands (OPAL) v. Adams Cy.*, the plaintiff challenged the issuance of a permit because county commissioners discussed the permit privately over the telephone. *Org. to Preserve Agric. Lands (OPAL) v. Adams Cy.*,128 Wn.2d 869, 872-73, 913 P.2d 793 (1996). The court affirmed the trial court's conclusion that, even where the commissioners discussed the substance of the permit in private, the final action to issue the permit was valid because it took place at a proper open, public meeting. *Id.* at 882. The Court held when the public is given an opportunity to express its views in a public meeting, earlier deliberations in a non-public forum do not warrant invalidation of

the formal action. *Id.* at 883-84. West argues that any invalid action by the work group renders void any subsequent recommendation made by the Board. Br. Appellant at 27. But where the Board's final action is in compliance with the OPMA, as here, West's argument is incorrect.

In the instant case, after the work group's meetings to draft the initial recommendations, the Board held three open public meetings wherein it took testimony, deliberated, and approved a final version of the recommendations. CP at 132.

As previously described, at the first open public on November 13, 2013, the Board received testimony from 129 constituents. CP at 132. At the second open public meeting on December 11, 2013, the Board and agency representatives had a work group session in which they deliberated the public input, including the 1,449 written public comments and provided feedback on revisions to the draft recommendations. CP at 132. At the third and final public meeting on December 18, 2013, the Board voted to approve the final recommendations. West does not allege that the Board violated the OPMA when it held public meetings to discuss the recommendations. It did not.

Accordingly, even under West's allegations that the work group acted as a governing body, the three later public meetings held by the Board validate the final recommendations submitted to the Legislature.

The final recommendations were fully vetted with the public and formally approved at an open public meeting by the Board, as the "governing body" directed to oversee this process by ESSB 5034.

VI. CONCLUSION

The superior court correctly ruled that the OPMA does not apply to the work group because the work group was not (1) a policy or rule-making body; nor was it a committee thereof that (2) acted on behalf of a governing body (the Board), nor (3) conducted hearings or took testimony or public comment. The superior court was also correct in concluding that, irrespective of whether the work group's activities violated the OPMA, the final recommendations submitted to the Legislature were valid under the OPMA because they were fully vetted and approved at open public meetings. West's challenge is thus moot.

For the foregoing reasons, the Department respectfully requests that this Court affirm the decision of the superior court.

RESPECTFULLY SUBMITTED this 6 day of October, 2014.

ELIZABETH LAGERBERG, WSBA 25159
Assistant Attorney General
(360) 753-6987
Email: elizabetht1@atg.wa.gov

PROOF OF SERVICE

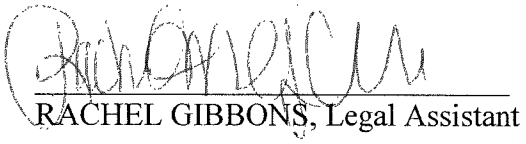
I, Rachel Gibbons, certify that I caused a copy of this document, **Respondents' Brief,** to be served on all parties or counsel of record by Consolidated Mail services via hand delivery:

Arthur West
120 State Ave. NE #1497
Olympia, WA 98501

Electronically filed: supreme@courts.wa.gov

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 12th day of October, 2014, at Olympia, Washington.



RACHEL GIBBONS, Legal Assistant

WASHINGTON STATE ATTORNEY GENERAL

October 06, 2014 - 1:36 PM

Transmittal Letter

Document Uploaded: 455081-Respondents' Brief.pdf

Case Name: West v. State
Court of Appeals Case Number: 45508-1

Is this a Personal Restraint Petition? Yes ■ No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

■ Brief: Respondents'

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____
Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Rachel M Gibbons - Email: rachelg@atg.wa.gov